

Appeal Decision

Site visit made on 13 December 2016

by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 December 2016

Appeal Ref: APP/P0240/W/16/3159670

Torchwood Glebe Farm, Sunrise, Flitwick Road, Westoning, Bedfordshire MK45 5AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss M Torselli against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/01001/FUL, dated 4 March 2016, was refused by notice dated 29 April 2016.
 - The development proposed is the erection of an agricultural building to secure and protect farm machinery and sundries.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building to secure and protect farm machinery and sundries at Torchwood Glebe Farm, Sunrise, Flitwick Road, Westoning, Bedfordshire MK45 5AB in accordance with the terms of the application, Ref. CB/16/01001/FUL, dated 4 March 2016, and the plans submitted with it, subject to the following conditions:
 - 1) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - 2) the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans; Site Plan; Proposed Rear Elevation and Proposed Front and Side Elevations;
 - 3) notwithstanding condition 2, no development shall take place until details of the colour of the external elevations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and development plan policy.

Reasons

3. No development plan¹ policies relating to development in the Green Belt have been identified by the local planning authority (lpa). Framework paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The first

¹ Central Bedfordshire Core Strategy and Development Management Policies. November 2009

- bullet point of Framework paragraph 89, states that the construction of buildings for agriculture is not inappropriate development in the Green Belt.
4. In June 2014, the lpa granted planning permission² for the erection of an agricultural storage building on this holding. Although that building has not been erected the permission is still extant. The proposed building, which is of a similar design, scale and finish, would be located adjoining the permitted building. As I understand the lpa's objection, although a building for agriculture is one of the exceptions listed in Framework paragraph 89, there is a requirement to show that the building is necessary for the purposes of agriculture. In that context, given there is an extant permission and the lack of any justification or detail as to the need for additional storage, the lpa considers the proposal would represent inappropriate development, which would be harmful to the openness of the Green Belt.
 5. Unlike some of the other exceptions listed under Framework paragraph 89, the first bullet point does not contain any qualifying or limiting criteria either relating to size or any other matters. I am aware that a test of being "reasonably necessary for the purposes of agriculture within that unit" is contained within Part 6 Classes A and B of The Town and Country Planning (General Permitted Development) Order 2015. However, that test relates solely to the consideration of whether a proposal would be permitted development. A similar test is not contained within the first bullet point of Framework paragraph 89. Moreover, no development plan policies were drawn to my attention that requires an applicant/appellant to demonstrate an agricultural need for the building. As I understand it, there is no suggestion that the proposal is not a building for the purposes of agriculture. The building would be located on an existing agricultural holding and the scale design and finish of the building are all agricultural in character. In these circumstances, I conclude that this proposal would not be inappropriate development in the Green Belt.
 6. Unless there is a specific requirement to consider the actual effect on openness, the impact on openness is implicitly taken into account in the exceptions contained within Framework paragraph 89. The exception contained within the first bullet point of Framework paragraph 89 does not state that an assessment of the effect on openness is a determinative factor in assessing whether a scheme would fall to be considered as inappropriate development. Accordingly, there is no requirement to assess the impact of the extension on the openness of the Green Belt. Similarly, given my conclusion that the proposed building would not constitute inappropriate development, it is unnecessary for me to consider whether very special circumstances exist to justify the development.

Other Considerations

7. Development plan Policies DM3 and CS14 seek to achieve a high standard of design and avoid an adverse effect on the appearance of the area. Although located on the edge of the built-up area, the dominant characteristic of the landscape is agricultural. The building and the one it would adjoin are agricultural in terms of their design and finish and are consistent with the type of building found in the countryside. In terms of scale, the buildings, either individually or together, are not excessive or would not appear intrusive in this

² CB/14/01197/FUL.

largely agricultural landscape. I conclude that the proposed building would not have an unacceptable effect on the character and appearance of the area and as such would not conflict with the objectives of the development plan.

Conclusions

8. The proposal would not be inappropriate development in the Green Belt and it would not have an unacceptable effect on the character and appearance of the area. Accordingly, the proposal would not conflict with the Framework or the development plan when read as a whole. For these reasons and having taken into account all other matters, I conclude that the appeal should be allowed.

George Baird

Inspector